

## Draft Minutes

### WISCONSIN RIVER RAIL TRANSIT COMMISSION - Full Commission

6 August 2004 | WisDOT District 1 - 2101 Wright St | Madison, WI

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**Chairman Shroble called the meeting to order at 10:06 a.m.**

#### Full Commission Member Roll Call

William	Agnew	Rock	Present
Charles	Anderson	Iowa	Present
Phil	Blazkowski	Rock	
Marshall	Bown	Rock	Present
Lois	Brown	Grant	
Tom	Cornford	Crawford	Present
Steve	Foye	Iowa	Present
Joel	Gaalswyck	Sauk	Present
Gene	Gray	Dane	Present
Chris	Klar	Dane	
Marty	Krueger	Sauk	
Ron	Leys	Crawford	Present
Richard	Manke	Waukesha	Present
Marion	Martin	Grant	Present

Bill	Miles	Walworth	Present
Karl	Nilson	Waukesha	Present
Phil	Roberts	Iowa	
Henry	Schoeberle	Rock	Present
Ted	Sheckler	Crawford	Present
Gerald	Shroble	Walworth	Present
Bill	Sills	Walworth	Present
Robert	Sinklair	Sauk	Present
Ed	Stoltz	Waukesha	Present
Forrest	Van Schwartz	Dane	Present
Larry	Volz	Sauk	Present
Velma	Weadge	Grant	

**Others Present:** Joni Graves (SWWRPC/ WRRTC staff); Roger Larson (WisDOT District 1); Ken Lucht (WSOR); Bill Gardner (WSOR); Eileen Brownlee (WRRTC Attorney); Frank Huntington (WisDOT); Jim Matzinger (Dane County Transportation/WRRTC staff); Delrosa Bruns (Middleton resident); Virgil Kasper (Pink Lady Rail Transit Commission); Bill Stehling (Sauk City resident); Dan Viste (Mazomanie Chamber of Commerce); Bill Wenzel (Sauk County). **Other “Railroad 101” Attendees:** Al Stanek (WisDOT); Ethan Johnson (WisDOT).

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Roger Larson, WisDOT District 1, gave a safety briefing and overview of facility rules for visitors.

**Proof of Public Notice / Motion to Approve / Stoltz / Volz / Motion passed unanimously.**

**Agenda / Motion to Approve / Foye / Miles / Motion passed unanimously.**

**Minutes / Motion to Approve the Minutes from the regularly scheduled July 9<sup>th</sup> Executive Committee meeting and the special July 29<sup>th</sup> Executive Committee meeting passed unanimously.**

**Administrative Services Contract / Motion to go into closed session, pursuant to Wisconsin Statute section 19.85(1)(e), to discuss the administrative service contract with Southwestern Wisconsin Regional Planning Commission / Foye / Van Schwartz / Motion passed unanimously.** At approximately 10:22 a.m. the Commission went into its closed session, with the request that Frank Huntington remain. During the meeting, Commissioner Gray sought information from Joni Graves,

which was provided outside of the meeting room. At approximately 11 a.m. the Commission returned to open session.

**Motion that the WRRTC authorize additional funds, up to \$6000, for the existing staff services contract, which ends 31 December 2004 / Stoltz / Sheckler / Motion passed unanimously.**

**Motion, as approved at the July 2004 WRRTC Executive Committee, to form a committee of three WRRTC members to investigate and report to the WRRTC on an alternative to its present staffing contracts with SSWRPC and Dane County / Manke / Foye / Stoltz made the friendly amendment that, before the chair would proceed with forming the committee, he would check with WRRTC's attorney to make sure that the committee's activities would be legal and only then would he proceed / Foye agreed to accept the friendly amendment / Motion passed unanimously.** Foye asked who would appoint the members and, by consensus, it was agreed that they would be appointed by the Chair. Foye volunteered to serve on the Staffing Sub-Committee.

#### **Treasurer's Report – Jim Matzinger**

Matzinger asked that the consideration of invoices follow the presentation about renewal of the Commission's liability insurance policy.

Matzinger explained that \$52,000 had been reserved to provide funds to cover any shortfall in county contributions and he recommended that, at this point, it would be appropriate for the Commission to take action to move this money back into the general fund. **Motion to move the \$52,000 that had been reserved to provide funds to cover any shortfall in county contributions back into the general fund / Stoltz / Miles / Motion passed unanimously.**

#### **WRRTC Liability Insurance Policy – Virgil Kasper**

Kasper, who is a retired insurance agent and is the Chair of the Pink Lady Rail Transit Commission, had evaluated the policy. He explained that the liability insurance excludes terrorism coverage and that the cost as issued would be \$15,553 for \$4 million dollars in coverage. After several questions, Frank Huntington explained that WisDOT may no longer pick up this cost as a part of projects and that either way, next year WRRTC won't have a project in its area so there would be no WisDOT funds that could be used towards this expense. There was some discussion about whether the commission would NEED the insurance then. Huntington responded that it is the Commission's decision and that WisDOT is comfortable either way. Comments were supportive of continuing to carry insurance coverage in the future. After further discussion, it was suggested that the Commission continue to discuss it. It was noted that the cost of attorney's fees and other issues could quickly eat up the money and then what would happen? Concern was raised that the liability would revert back to each county and it was suggested that each Executive Committee member should check with his or her county's attorney on that. Another Commissioner asked if the individual counties are listed as additional insured; Kasper said that they are not currently but that they could be. **Action Item: Charles Anderson, who is also an insurance agent, offered to meet with WRRTC's insurance agent, Tom Schaefer, regarding the level of coverage and the questions that were raised; he will report back to the Commission (the next full meeting will be in November).** Further discussion focused on how the WRRTC would pay for coverage in the future, if it is not covered by WisDOT. After other comments Matzinger suggested that it would have to come out of the general fund or be assessed to each county. **Motion to approve paying the premium of \$15,553 for liability insurance coverage, as bound / Motion passed unanimously.**

### **2003 Preliminary Audit – Jim Matzinger**

Matzinger had reviewed the Preliminary Audit for 2003 and reported that there were no comments in the management report. He recommended approval, at which point he would forward it to WisDOT so that completed projects could be tied out. **Motion to approve the 2003 Audit and to forward it to WisDOT so that completed projects can be tied out / Motion passed unanimously.**

### **Invoices – Jim Matzinger**

Payees included Dane County, a late fee to Lake County for the Illinois property taxes, Johnson Block, and the liability insurance. **Motion to approve payment of the invoices as presented / Manke / Sinklair / Motion passed unanimously.**

### **Request to Consider Rail Spur Removal in Mazomanie – Forrest Van Schwartz**

Van Schwartz introduced the issue and Dan Viste, Mazomanie Chamber of Commerce, made a presentation and provided handouts. The request, he explained, was being made because Mazomanie has the opportunity to receive funds, through the generosity of a potential benefactor, for improvements that could have a significant economic development impact. There is interest, he explained, in physical improvements and the possible renewal of an excursion train. He requested endorsement of the concept, stating that he and the community would like to work with the WRRTC to develop this. However, the benefactor's condition for making the contribution is the removal of the 300-400' spur (which was originally longer, Viste explained, but part of it was removed when the street was repaved). With improvements, Viste said the community wants to further explore resumption of excursion rail. Huntington expressed concern that the preservation of rail should be given strong consideration, noting that historically the Commission has been pretty consistent in protecting the integrity of corridor. He concluded that the Commission should consider that and the precedent that may be set, since this is a transportation corridor. Viste explained that the community wants the open area, located in the middle of the central business district and adjacent to the tracks, to be as attractive as possible. Adjacent property owners have regularly mowed the grass in the right-of-way and, at this point, they would like to be able to make additional site improvements. After some discussion, Bill Gardner said that the railroad uses the siding when doing maintenance and that: 1) "If you want the siding out, then someone's going to have to pay to remove it and to relocate it – why should I or the commission pay for that?" and 2) he referred to the history in nearby Cross Plains, where a restaurant and dairy had a history of encroachment issues and that he had installed beam guard because the railroad right-of-way is "sacred ground"; he concluded with concerns about the precedent. A Commissioner suggested possibly requiring that the requestors come up with the money to pay for the removal and relocation, noting that "It's a different kind of precedent." Viste asked that the Commission give some thought to how it wants to do business, explaining that he doesn't want an adversarial situation and that the Commission has an opportunity to think about how it wants to do something like this and to work with a community to establish a model for what it would like to have create a precedent. He noted that one of the goals with the proposed landscaping plan is to create a physical barrier, which would help to increase safety in a public area which is bisected by railroad tracks. The subsequent discussion amongst Commissioners included options for relocating the spur, where the railroad's equipment could possibly be stored other than at this site, whether it was possible to trade real estate trackage, and the cost of acquiring land and constructing a new spur with upgraded switches and meeting other requirements. **Motion requesting that the Chair appoint a three member Sub-Committee to look at options related to the request to consider rail spur removal in Mazomanie, brought by Dan Viste / Sills / Volz / Gene Gray,**

Forrest Van Schwartz, and Steve Foye volunteered to serve. In discussion Bill Gardner said that he wanted “a little direction from the committee – are we now allowing people on the corridor?” Commissioners responded that the point would be to relocate and that there was no intention to put either the railroad or the Commission at risk. **Motion to Table / Stoltz / Nilson / the Motion to Table failed on a Roll Call vote:**

William	Agnew	Rock	Yes
Charles	Anderson	Iowa	No
Marshall	Bown	Rock	No
Tom	Cornford	Crawford	No
Steve	Foye	Iowa	Yes
Joel	Gaalswyck	Sauk	No
Gene	Gray	Dane	No
Ron	Leys	Crawford	No
Richard	Manke	Waukesha	No
Marion	Martin	Grant	No

Bill	Miles	Walworth	No
Karl	Nilson	Waukesha	Yes
Henry	Schoeberle	Rock	No
Ted	Sheckler	Crawford	No
Gerald	Shroble	Walworth	No
Bill	Sills	Walworth	No
Robert	Sinklair	Sauk	No
Ed	Stoltz	Waukesha	Yes
Forrest	Van Schwartz	Dane	No

**Action on the Motion requesting that the Chair appoint a three member Sub-Committee to look at options related to the request to consider rail spur removal in Mazomanie, brought by Dan Viste / Motion passed.**

#### **Wisconsin & Southern Railroad – Operator’s Report – Ken Lucht**

##### Monthly Operations:

- City of Waukesha industrial park access
- Sauk County – rail issues update
- General maintenance activities update

##### State Rehab Projects:

- Update on Milton Junction to Anderson Siding project (2004)

##### Continuing Issues / Topics:

- WSOR has purchased the ICE property in Janesville
- Canadian National abandonment
- Fitchburg / Oregon efforts to reactivate rail line are proceeding
- WSOR’s proposed 5 + 1 Plan Update

Lucht also presented the railroad’s postcard initiative to make the Governor and the Secretary of Transportation aware of support for additional funding for rail.

#### **Presentation and Request for the Hartford to Slinger Rehab Project – Ken Lucht**

The railroad is seeking financial commitments from 15 counties for \$13,229 each. **Motion to support the request for \$13,229/county for the 2005 Hartford to Slinger Rehab Project / Nilson / Foye / Motion passed unanimously.** Subsequent discussion related to the WRRTC’s projected 2005 expenses for its staff services contracts, attorney’s fees, audit costs, and insurance and its projected income from WSOR’s lease payment and other leases. It was requested that the budget process begin earlier next year, with Bill Gardner pointing out that the state’s calendar is a bit of a problem in this regard. Frank Huntington said that, in the future, this shouldn’t be an issue.

**Motion to Adjourn. The “Railroad 101” orientation session followed the regular meeting.**